HONOURABLE SMT.JUSTICE T.MEENA KUMARI

&

HONOURABLE JUSTICE P.LAKSHMANA REDDY

WRIT PETITION NO. 17536 OF 2005

Dated 26-09-2005

Between:

T.S. Vijayakumar, son of T.S. Siva Sankar, aged about 56 years, Executive Engineer, Public Health Division, Nizamabad.

…….Petitioner.

And:

G. Sudarshan, son of G. Krishnaiah, aged about 56 years, Superintendent Engineer (PH) Hyderabad Metro Water Supply and Sewerage Board, Khairtabad, Hyderabad and others.

…….Respondents.

ORDER : (Per the Honourable Smt. Justice T. Meena Kumari)

This writ petition has been filed by the writ petitioner against the order passed in O.A. No. 3571 of 2005, on 27-07-2005 by the A.,P. Administrative Tribunal, Hyderabad.

The writ petitioner is the 3rd respondent and 1st respondent herein is the applicant before the tribunal. The parties will be referred to as arrayed before the Tribunal for the sake of convenience.

Originally, the applicant filed an application in O.A. 3571 of 2005 challenging

the action of the respondents in following the provisional seniority list of Assistant Executive Engineers issued vide proceedings No. E1 (1)/2288/2004 dated 01-03-2005 for promotions to the post of Chief Engineer and higher cadres. While admitting the O.A. the tribunal ordered interim suspension of the impugned proceedings No.E1 (1) 2288/2004, dated 01-03-2005 issued by the 2nd respondent pending further orders. While ordering the unofficial respondents as well as the Government to file their counters, the tribunal made it clear that the order is valid for 14 days. Aggrieved by the same, the present writ petition has been filed by the 3rd respondent.

Heard both sides. We have perused the material available on record.

When the matter is taken up for hearing, it is brought to the notice of this Court by the learned counsel appearing on behalf of the official respondents that the 3rd respondent has already filed a vacate stay petition and the same is still pending.

We have gone through the order impugned. The present writ petition is an outcome of a the interim order granted by the tribunal while admitting the O.A. In view of the fact that the 3rd respondent has already filed a vacate stay petition and the same is still pending before the tribunal, We feel that no further orders need be passed in this writ petition. Hence, We see no merits in this writ petition and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed. However we make it clear that the 3rd respondent is at liberty to agitate his rights before the Tribunal. No costs.

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Justice T. MEENA KUMARI

Date: 26th September, 2005

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Justice P. LAKSHMANA REDDY

Dvs/Gurc

HONOURABLE SMT. JUSTICE T.MEENA KUMARI

&

HONOURABLE JUSTICE P. LAKSHMANA REDDY

WRIT PETITION NO. 17536 OF 2005

(Order delivered by the Honourable

Smt. Justice T.Meena Kumari)

Dated 26-09-2005